

## A. General

There is in each county, except a county that is also a city and county (e.g., San Francisco), a county committee on school district organization. (EC 4000) As shown in Table 3.1, less than half of the counties have committees that are separate from the county board of education. In the remainder of the counties, the county board of education acts as the county committee on school district organization by order of the State Board of Education. (EC 4021) Where all of the territory of a county superintendent of schools is included in one unified school district, the governing board of the unified school district serves as the county committee. (EC 4001)

### 1. Transfer of Duties to the County Board of Education

Section 4020 of the Education Code states that the duties of the county committee on school district organization may be transferred to the county board of education. That section states that, upon petition by the county committee or the county board, the State Board of Education may transfer the duties and must notify the petitioning agency within 90 days after receiving the petition. The duties have been so transferred in 32 of 58 counties. (See Table 3.1.)

#### *Procedure*

In reviewing such transfer petitions, the State Board of Education considers several factors:

- a. The recommendation of the county committee
- b. The recommendation of the county board of education
- c. The workload for school district organization in recent years in the county, including:
  - i. Number of territory transfers
  - ii. Number of unifications
  - iii. Number of annexations
  - iv. Number of cases in which school district trustee areas have been established

### 2. Reestablishment of a County Committee

Section 4022 of the Education Code, effective July 1, 1991, states that a county committee on school district organization may be reestablished and its duties transferred from the county board of education to the county committee. That action may be initiated by the county board of education or by a majority of the school district governing boards in the county.

**Table 3.1**  
**County Committees on School District Organization**

In some counties, the county board of education acts as the county committee. In the remainder of the counties, the county committee is a body separate from the county board of education.

<i>Counties with a Separate County Committee</i>	<i>Counties in Which the County Board Serves as the County Committee</i>
El Dorado	Alameda
Fresno	Alpine
Humboldt	Amador
Kern	Butte
Lassen	Calaveras
Los Angeles	Colusa
Marin	Contra Costa
Merced	Del Norte
Mono	Glenn
Nevada	Imperial
Orange	Inyo
Placer	Kings
Riverside	Lake
San Benito	Madera
San Bernardino	Mariposa
San Joaquin	Mendocino
San Luis Obispo	Modoc
San Mateo	Monterey
Santa Barbara	Napa
Santa Clara	Plumas
Sonoma	Sacramento
Stanislaus	San Diego
Sutter	Santa Cruz
Tulare	Shasta
Ventura	Sierra
	Siskiyou
	Solano
	Tehama
	Trinity
	Tuolumne
	Yolo
	Yuba

In considering such action, the State Board of Education considers several factors:

- a. The level of school district organization activity in the county since the duties were transferred to the county board. For example, the State Board considers:
    - i. Number of territory transfers
    - ii. Number of new districts formed
    - iii. Number of annexations
    - iv. Number of cases in which school district trustee areas have been established
  - b. If the motion to reestablish a county committee is initiated by a majority of the school districts in the county, the views of the remaining districts regarding the requested transfer of duties
  - c. The opinion of the county board of education on the petition
  - d. The estimated cost to reestablish the 11-member committee based on any recent reorganization activity in the county
  - e. The reasons given by the petitioning districts for reestablishing the committee
3. State Board of Education Action
- A proposal for transferring the duties to the county board or for reestablishing the county committee is considered by the State Board of Education.
- a. The State Board of Education considers the proposal and the California Department of Education's recommendation.
  - b. The State Board of Education may conduct a public hearing on the matter, although a public hearing is not required by law. By practice, the parties involved may address the board on request.
  - c. Action by the State Board of Education is final.
  - d. If the State Board of Education votes to reestablish the county committee, the first meeting of the county committee must be held within 30 days. (EC 4023)

## **B. Responsibilities**

### **1. School District Organization**

The county committee is the local initiator, coordinator, analyst, facilitator, and arbitrator for the reorganization of school districts. It formulates plans, responds to petitions, conducts public hearings, develops and releases information, and analyzes proposals throughout the approval process of a reorganization. For petitions for transfers of territory, where state approval is not required, the county committee gives final approval or disapproval (EC 35709, 35710), subject only to appeal to the State Board of Education. (EC 35710.5, 35711)

The county committee is charged with the duty of studying the school district organization of its county and shall, under the direction of the State Board of Education or pursuant to a petition by local electors, hold hearings and formulate plans and recommendations for the unification, other reorganization or lapsation of the districts in the county, including, if necessary, a portion of one or more adjacent counties. (EC 35720-35724, 74105 et seq.)

Specific tasks of the county committee regarding district organization are shown in the charts in this manual (quick-reference charts in Chapter 5). They depict the approval processes for the various types of petitions and plans.

Education Code Section 35751 requires county and district submission of the information required by the Department of Education to complete a study for the State Board of Education. The provisions of Section 35751 apply to both unification proposals and to appeals of county committee decisions on transfers of territory. With either type of action, the county committee should include sufficient information to demonstrate that the committee studied the background on each of the criteria in Education Code Section 35753(a) and California Code of Regulations, Title 5, Section 18573. (See Appendix A.)

The information to be submitted is based on the specific information (required by Section 35705.5) that is to be made available to the public before the local public hearings. Documents submitted by the affected districts are included. In particular, the county committee examines data on the current status of the school district and the impact of the proposed change on the racial and ethnic composition of the affected districts at both the school and district levels. Also, data on the current educational achievement levels and standardized test scores of pupils and the existence of special educational programs are included. If any unusual financial situations exist that would adversely affect the district's ability to maintain its educational programs, that information should be included. Such information is typically included in a study conducted for the county committee by the secretary to the committee and other county office staff (or by a contracted consultant).

Just as for territory transfer appeals (see Chapter 11, "The Appeals Process"), the administrative record that should be submitted for a unification proposal includes the petition to reorganize, notices of the public hearings, the description of the petition provided to the public before the public hearings, summary minutes of the public hearings, related letters, legal briefs, and any other materials relevant to the proposal that would enable the State Board of Education to determine whether there is evidence to support the county committee's recommendation.

A record should be included of the county committee's votes taken on each one of the criteria as well as the summary vote taken according to Section 35707. The county committee should maintain the same standard of documentation concerning petitions for transfer of territory in case its decision is appealed to the State Board of Education.

## 2. Trustee Areas for Governing Board Elections

The county committee has the power to regulate the election of members to county boards of education, except in chartered counties. In chartered counties the manner of selection of the county board of education shall be prescribed in the county charter or by the county board of supervisors. (EC 1000)

The county committee has the power to establish trustee areas, rearrange the boundaries of trustee areas, abolish trustee areas, adopt one of the alternative methods of electing governing board members, and increase to seven or decrease to five the number of members of the governing board in any school district or community college district. (EC 5019) It has no authority, however, in a situation involving a school district governed by a board of education provided for in the charter of a city or city and county.

Quick-reference charts in Chapter 10 depict the approval processes for the various types of petitions and plans for establishing, abolishing, or changing trustee areas.

## 3. Legal and Regulatory Guidance

The county committee is subject to the legal requirements in the Education Code, to policies and regulations adopted by the State Board of Education (California Code of Regulations, Title 5), sections of the Government Code related to petition preparation, sections of the Elections Code related to petitions, and the Government and Public Resources Code relating to the California Environmental Quality Act. County committees are given great latitude within which to work so that each local situation can be considered within its own context. Each proposal made by the county committee is to be considered in light of its appropriateness to the local area concerned.

## 4. County Committee Master Plans

On or before September 15, 1963, each county committee had to prepare and submit a master plan to the State Board of Education for including the entire territory of the county in school districts so that each school district had to provide for a kindergarten- or grade-one-through-grade-twelve educational program. This date was extended for certain counties up to September 15, 1964. If a county failed to submit a master plan by the extended date, then the California Department of Education had to prepare the master plan for the county by September 15, 1965.

When the Education Code provisions pertaining to school district organization were rewritten in 1980, it was the legislative intent to utilize the organization of districts as they existed on January 1, 1981, and the master plan for school district organization in each county as it existed prior to January 1, 1981, or any approved updated version of the master plan as the basis for future reorganization of districts in each county. (EC 35500)

The only other reference to the county committee and master plan occurs in Education Code Section 35707, which states that the county committee must report whether a proposed unification, in the opinion of the committee, would be compatible

with any master plans submitted by the county committee and approved by the State Board of Education. In the majority of reorganization proposals submitted to the State Board of Education over the past 12 years, the county's master plan had to be revised to accommodate the approved reorganization.

Currently, there are no legal provisions requiring that a county committee revise its original master plan. Because some county committees have found their original master plans obsolete, they have revised them to a plan that provides for a broad, general plan of reorganization rather than one that delineates a specific recommendation.

#### 5. Waiver Authority

The Education Code sections pertaining to school district organization issues may be waived except those sections that set revenue limits. Education Code Section 33050 permits county boards of education and school districts to petition the State Board of Education for waivers after holding the necessary public hearings and consulting with appropriate bargaining units. County committees on school district organization are separate governmental entities and cannot submit a waiver request directly to the State Board. County committees that identify a potential need for a waiver should consult with California Department of Education staff before requesting their county board of education to submit a waiver on behalf of a district or the districts undergoing reorganization.

#### 6. Withdrawal of Grades Seven and Eight from a District

The process for withdrawing grades seven and eight from a high school district does not involve the county committee on school district organization or the State Board of Education. However, one of the Education Code sections dealing with the process (Section 35735.3, limits on revenue limit changes) is located with other code sections on school district organization in Article 3, "Content of Plans and Recommendations."

Education Code Section 35735.3 places a ceiling on the revenue limit for an elementary school district receiving pupils in grades seven and eight from a high school district. The other related provisions in sections 37060 through 37086 provide for the establishment of, withdrawal from, and elections for withdrawal of pupils in grades seven and eight from junior high schools operated by high school districts.

County superintendents and county staff confronted by petitions regarding such changes should acquaint themselves with an appellate court case entitled *San Dieguito Union High School District v. Rosander* (1985), 171 Cal.App.3d 968 (1985), and consult with legal counsel regarding the steps to be taken to determine the area of election.

## **C. Membership**

### **1. Selection of County Committee Members**

If there are fewer than six districts or community college districts under the jurisdiction of the county superintendent of schools, the superintendent must determine the number of county committee members and must appoint the members. In all other counties, the county committee must have 11 members.

The members must be elected to the committee by an annual meeting of school district trustee representatives that shall be called by the county superintendent of schools and shall be held between October 1 and December 1 of each year. The governing board of each school district must elect a voting representative at its initial meeting. (EC 4002, 4003, 4005, 35023, 72403)

To increase participation of school district voting representatives in the county committee election, the Legislature recently authorized an option for the school district voting representatives to vote for county committee members by means of an absentee ballot. (EC 4006)

There can be exceptions to the election process. For example, effective August 1994, the State Board of Education approved a request to waive Education Code Section 4005 and a portion of Section 4006 for elections of members to the Santa Clara County Committee on School District Organization. This waiver eliminates the need to hold the election at an annual meeting of school district trustee representatives in Santa Clara County and allows the election to be conducted entirely by mail-in ballot in that county. Any county that wishes to pursue this option should contact the appropriate California Department of Education staff.

### **2. Nomination Process**

The nomination process for members of the county committee varies, depending upon the bylaws of each school district organization committee. In some counties any registered voter may be nominated by a school board or may nominate himself or herself, usually by a certain date before the annual caucus. The nomination may require the filing of a letter of candidacy and a biographical data sheet with the county superintendent prior to the election date. These are then sent to all board representatives prior to the election date. In other counties, nominations must be made by school board representatives and may be accepted up to the day of and at the meeting.

### **3. Exclusions, Area Represented, and Terms of Office**

Any registered voter residing in the appropriate supervisorial district may serve as a county committee member. Members of school district governing boards may serve concurrently as a school district trustee and county committee member. No county superintendent of schools, employee of the office of a county superintendent of schools, employee of a school district, or employee of a community college district shall be a member of the county committee. Any member of the governing board of a school district or community college district in the same or any other county who is

otherwise eligible may simultaneously serve as a member of the county committee. (EC 4007) At least two members must be elected from among the qualified electors of each county supervisorial district. The term of office of each member must be four years. (EC 4008, 4009)

#### 4. Vacancies

Vacancies on the county committee are created by any of the events described in Section 1770 of the Government Code. (EC 4006)

- a. Although it is not specifically addressed in law, many county committees require that if a county committee member chooses to resign, the resignation will be in writing and submitted to the secretary of the county committee or his or her designee. The vacancy becomes an established fact upon the date indicated in the written resignation or upon receipt of the written resignation if no date is indicated.
- b. Should a committee member cease to be a resident of the supervisorial district for which he or she was chosen or appointed, the office becomes vacant. A member may cease to be a resident if the member moves out of the supervisorial district in which he or she was elected.

If any change in the boundaries of a county supervisorial district in the county affects an incumbent member of the county committee, the affected member must serve the remainder of his or her term of office. (EC 4008)

- c. Should a committee member cease to discharge the duties of office for the period of three consecutive months, except when prevented by illness, the office becomes vacant.
- d. Should a cause for vacancy, other than a member's resignation, come to the committee's attention, the committee chair should inform the affected member of the cause. Should the member fail to dispute the cause for vacancy, then the vacancy should be declared at the next regular county committee meeting.

The remaining members of the committee must make appointments to fill vacancies in the committee membership or, if they fail to fill such vacancies within 70 days or if the vacancy occurs in a county having fewer than six school districts, the county superintendent of schools must do so. Persons appointed to fill such vacancies must hold office for the duration of the unexpired term. (EC 4002 and 4006)

#### 5. Compensation to Members

The members of the county committee must serve without pay but must be reimbursed for their actual and necessary travel expenses incurred in the performance of their duties. (EC 4010)



## **D. Organization and Procedures**

### **1. Officers, Meetings, Quorum**

Within 30 days after the election or appointment of the county committee, the county superintendent of schools calls the first meeting of the county committee for the purpose of electing a chair and a vice-chair. The county superintendent of schools or his or her designee must act as the secretary of the county committee but must not be a member of the committee. (EC 4012) Meetings of the county committee may be called by the chair or by a majority of its members. (EC 4013) A majority of the county committee (i.e., six or more members) will constitute a quorum for the transaction of business. (EC 4014)

### **2. Agenda**

The secretary of the county committee must prepare the agenda for all meetings. Items for the agenda may be suggested by committee members as well as by any county or school district employee or any local citizen. During the county committee meeting, any and all subjects on the agenda may be heard by the committee. There must be no discussion of, or action on, items not listed on the agenda for the meeting unless the provisions of Government Code Section 54954.2 (b) are enacted.

### **3. Meeting Procedure**

California state law requires that all actions of the county committee must be taken openly and that all of its deliberations must be conducted openly. Therefore, the county committee meeting must be conducted in accordance with sections 54950-54962 of the Government Code, known as the Ralph M. Brown Act.

A common practice for county committees is to follow parliamentary procedures as prescribed in *Robert's Rules of Order* (newly revised) when they are not in conflict with the county committee's bylaws or any applicable law, rule, or regulation. One exception is that the chair may discuss and have a vote on all matters put before the committee.

Any recommendation to change the boundaries of any or all of the trustee areas of the county board of education, or recommendations to increase or decrease the number of members of the county board of education, requires adoption by a two-thirds vote of all members entitled to vote (e.g., eight or more affirmative votes). (EC 1002)

In addition to these procedures, the bylaws of some county committees specify that all motions that will affect the operation of any school district in the county require adoption by a majority of all members entitled to vote (i.e., six or more affirmative votes).

### **4. Minutes**

A further recommendation is that the official minutes of the county committee meeting should be recorded by the secretary of the committee. The secretary should mail a copy of the minutes of each meeting to each member of the committee prior to the ensuing regular committee meeting. The minutes should contain the exact

wording of all motions made and the names of the maker and seconder of each motion. The voting result should be recorded by number of ayes and nays; or, if a roll call vote was requested, the vote of each member should be recorded as cast.

The minute books for the county committee must be open to inspection by the public at the office of the county superintendent of schools during the usual business hours. (Public Records Act, Government Code Section 6250 et seq.) Such inspection should be under the supervision of an employee of the county office of education.

#### 5. Bylaws

Although not required by law, most county committees on school district organization have adopted rules and regulations, not inconsistent with the laws of this state, for their own governance. (See Appendix B for sample county committee bylaws.)

### **E. Administration and Finance**

To carry out its activities, the county committee relies on the county board of education and the county superintendent of schools for support. All expenses necessary for the county committee to comply with the provisions of the Education Code may be provided by the county board of education. Any expenses of the county superintendent of schools, the county board of education, and the county committee on school district organization required by any section of the Education Code must be paid from the county general fund. (EC 1510) When a county board of education is fiscally independent, the county school service fund is responsible for county committee expenses. (EC 1604, 1621)

The county superintendent of schools may employ personnel to (1) conduct research in connection with the activities of the county committee; and (2) develop systems, procedures, and methods for applying such research findings to improve the effectiveness of those activities. (EC 1943)

The county counsel or, if there is no county counsel, the attorney retained by the district may provide legal services to the county committee. In the event the county board of education is fiscally independent of the board of supervisors, the county board may provide the committee with private legal counsel to be selected by the committee. (EC 4011)

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